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OFFICE OF PETITIONS

In re	:	
Pirim	:	
Application No. 09/876,929	:	RECONSIDERATION OF
Filing Date: June 8 2001	:	PATENT TERM ADJUSTMENT
Attorney Docket: 14539-20046H-	:	
00011US	:	

This decision is in response to applicant's "LETTER REGARDING PATENT TERM ADJUSTMENT filed June 10, 2005 requesting that the Office review the PTA determination in light of a late reply to the notice to file missing parts.

Applicants request for PTA reconsideration is GRANTED. The Office will adjust the PAIR calculation at the time of the mailing of the notice of allowance to reflect a determination of four hundred and ninety-three (493) days.

Applicants draws the Office attention to the response to the notice to file missing parts. Applicants assert that the response date has not been entered into PALM and therefore the Office failed to reduce the PTA for the period of reply over three months as is required by 37 CFR 1.704(b).

Applicants' arguments are persuasive. The record does reflect that the notice to file missing parts that was mailed by the Office on June 28, 2001 was responded to by applicants on December 31, 2001, a ninety-four day delay. Accordingly, the determination of five hundred and eighty-seven days is reduced by ninety-four days. The correct amount of PTA at the time of the mailing of the notice of allowance is four hundred and ninety (493) days.

After the mailing of this decision, the application will be

forwarded to the Office of Patent Publications for a prompt issuance of the patent application. Any delays in issuing the application within four months of the payment of the issue fee will be reflected in the issue notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office has not assessed the \$200.00 fee for the submission of this letter regarding PTA. The Office thanks for good faith and candor bringing this matter to the attention of the Office.

Any questions concerning this application should be directed to Kery Fries at 571-272-7757.



Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

CC; Adjusted PAIR calculation